

OMB 0651-0031

Substitute for FORM PTO-1449			Attorney Docket Number: 104.0004-04000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant David F. Meschan		Application Number 10/735,343	
(Use several sheets if necessary) Sheet <u>1</u> of <u>6</u>			Filing Date December 11, 2003		Group Art Unit (3728) Examiner (J. Kavanaugh)	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JL	6,568,102	05/2003	Healy et al.			
	5,970,628	10/1999	Meschan			
	5,829,172	11/1998	Kaneko			
	5,806,210	09/1998	Meschan			
	5,722,186	03/1998	Brown			
	5,615,497	04/1997	Meschan			
	5,560,128	10/1996	Meschan et al.			
	5,528,842	08/1996	Ricci et al.			
	5,469,638	11/1995	Crawford, III			
	5,435,079	07/1995	Gallegos			
	5,426,184	08/1995	Lyden et al.			
	5,402,588	04/1995	Graham et al.			
	5,381,808	01/1995	Claveria			
	5,367,792	11/1994	Richard et al.			
	5,353,523	10/1994	Kilgore et al.			
	5,343,639	09/1994	Kilgore et al.			
	5,325,611	07/1994	Dyer et al.			
	5,319,866	06/1994	Foley et al.			
	5,255,451	10/1993	Tong et al.			
	5,224,277	07/1993	Sang Do			
	5,197,206	03/1993	Shorten			
	5,191,727	03/1993	Barry et al.			
	5,185,943	02/1993	Tong et al.			
	5,179,791	01/1993	Lain			
	5,092,060	03/1992	Frachey et al.			
	5,086,574	02/1992	Bacchiocchi			
	5,083,385	01/1992	Halford			
	5,070,629	12/1991	Graham et al.			
	5,052,130	10/1991	Barry et al.			
	5,014,449	05/1991	Richard et al.			

Form PTO 1449  
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JK	5,005,300	04/1991	Diaz et al.
	4,995,173	02/1991	Spier
	4,979,319	12/1990	Hayes
	4,936,028	06/1990	Posacki
	4,887,367	12/1989	Mackness et al.
	4,881,329	11/1989	Crowley
	4,879,821	11/1989	Graham et al.
	4,878,300	11/1989	Bogaty
	4,875,300	10/1989	Kazz
	4,866,861	09/1989	Noone
	4,845,863	07/1989	Yung-Mao
	4,843,737	07/1989	Vorderer
	4,815,221	03/1989	Diaz
	4,811,500	03/1989	Maccano
	4,785,557	11/1988	Kelley et al.
	4,778,717	10/1988	Fitchmun
	4,776,109	10/1988	Sacre
	4,766,095	07/1988	Lakic
	4,745,693	05/1988	Brown
	4,741,114	05/1988	Stubblefield
	4,712,314	12/1987	Sigoloff
	4,709,489	12/1987	Welter
	4,706,392	11/1987	Yang
	4,680,876	07/1987	Peng
	4,642,917	02/1987	Ungar
	4,638,575	01/1987	Illustrato
	4,622,764	11/1986	Bouler
	4,610,100	09/1986	Rhodes
	4,608,788	09/1986	Cavanagh
	4,606,139	08/1986	Silver
	4,598,487	07/1986	Misevich
	4,561,195	12/1985	Onoda et al.
	4,550,510	11/21985	Stubblefield
	4,546,556	10/1985	Stubblefield
	4,541,185	09/1985	Chou
	4,534,124	08/1985	Schnell
	4,530,173	07/1985	Jesinsky, Jr.
	4,510,700	04/1985	Brown

2X	4,488,964	12/1984	Rudy
	4,455,768	06/1984	Rubens
	4,455,765	06/1984	Sjosward
	4,449,307	05/1984	Stubblefield
	4,429,474	02/1984	Metro
	4,414,783	11/1983	Bente
	4,399,620	08/1983	Funck
	4,393,605	07/1983	Spreng
	4,391,048	07/1983	Lutz
	4,378,643	04/1983	Johnson
	4,377,042	03/1983	Bauer
	4,372,058	02/1983	Stubblefield
	4,363,177	12/1982	Boros
	4,342,158	08/1982	McMahon et al.
	4,322,895	04/1982	Hockerson
	4,322,894	04/1982	Dykes
	4,320,588	03/1982	Sottolana
	4,288,929	09/1981	Norton et al.
	4,267,650	05/1981	Bauer
	4,263,728	04/1981	Frecentese
	4,262,434	04/1981	Michelotti
	4,258,480	03/1981	Famolare, Jr.
	4,224,749	09/1980	Diaz-Cano
	4,214,384	07/1980	González
	4,168,585	09/1979	Gleichner
	4,102,061	07/1978	Saaristo
	4,098,011	07/1978	Bowerman
	4,067,123	01/1978	Minihane
	4,062,132	12/1977	Klimaszewski
	4,043,058	08/1977	Hollister et al.
	3,988,840	11/1976	Minihane
	3,928,881	12/1975	Bente
	3,804,099	04/1974	Hall
	3,782,010	01/1974	Frattallone
	3,775,874	12/1973	Bonneville
	3,664,041	06/1972	Frattallone
	3,646,497	02/1972	Gillikin
	3,593,436	05/1969	Vietas

3,566,489	03/1969	Morley
3,514,879	06/1970	Frattallone
3,478,447	11/1969	Gilead
3,455,038	07/1969	Kasdan
3,318,025	05/1967	Antelo
3,271,885	09/1966	McAuliffe
3,237,321	03/1966	McKinley
3,208,163	09/1965	Rubens
3,171,218	03/1965	D'Urbano
3,169,327	02/1965	Fukuoka
3,087,265	04/1963	McKinley
3,085,359	04/1963	Rubens
3,083,478	04/1963	Rakus
2,998,661	09/1961	Israel
2,806,302	09/1957	Sharpe
2,745,197	05/1958	Holt
2,707,341	05/1955	Romano
2,628,439	02/1953	Rochlin
2,607,134	08/1952	Langer
2,556,842	06/1951	Gilmour
2,540,449	02/1951	Kaufmann
2,508,318	05/1950	Wallach
2,500,302	03/1950	Vicente
2,491,280	12/1949	Roth
2,447,603	08/1948	Snyder
2,446,627	08/1948	Bier
2,374,954	05/1945	Pipitone
2,300,635	11/1942	Shepherd
2,288,168	06/1942	Leu
2,208,260	07/1940	Hayden
2,148,974	02/1939	Wysowski
2,119,807	06/1938	Farley
2,078,311	04/1937	Boag
2,003,646	06/1935	De Blasio
2,002,087	05/1935	Esterson
1,811,641	06/1931	Marcelle
1,721,714	07/1929	Ross
1,625,048	04/1927	Hock

OK	1,611,024	12/1928	Grimaldi			
	1,542,174	06/1925	Robidoux			
	1,518,384	11/1924	Kamada			
	1,501,765	07/1924	Freese			
	1,479,773	01/1924	Craig			
	1,458,257	08/1923	Van Melle			
	1,444,677	02/1923	Fischer			
	1,439,758	12/1922	Redman			
	1,439,757	12/1922	Redman			
	1,410,064	03/1922	Hunt			
	1,371,339	03/1921	Amtz et al.			
	1,366,601	01/1921	Sellers			
	1,346,841	07/1920	Padden			
	1,318,247	10/1919	Victor			
	1,316,505	09/1919	O'Neill			
	1,112,635	10/1914	May			
	1,088,328	02/1914	Cuccinotta			
	1,062,338	05/1913	Kane			
	1,046,815	12/1912	Lavoie			
	990,458	04/1911	Scholl			
	818,861	04/1908	Beck et al.			
	788,089	05/1905	Frank			
	652,887	07/1990	Butterfield			
	674,636	05/1901	Priestman			
	537,492	04/1895	Smith			
	485,813	11/1892	Hooper			
	357,062	02/1887	Buch			
	221,592	11/1879	Mitchell et al.			
	48,682	07/1865	Hayward et al.			
	Re. 33,648	07/1991	Brown			
FOREIGN PATENT DOCUMENTS						
OK	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	533 972	03/1922	France			
	2 742 138	03/1979	Germany			
	2 154 951	05/1973	Germany			
	947 054	07/1958	Germany			
	693 394	07/1940	Germany			

✓	648 339	07/1937	Germany			
	2 144 024	02/1985	Great Britain			
	1 540 926	02/1979	Great Britain			
	229 884	03/1924	Great Britain			
	63 342	02/1911	Great Britain			
	25 728	11/1909	Great Britain			
	5-18985	05/1993	Japan			Yes
	62-41601	10/1987	Japan			Yes
	62-200904	12/1987	Japan			Partial
✓	434 029	10/1967	Switzerland			
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)</b>						
✓	"New Footwear Concepts" by E.I. du Pont de Nemours & Co. (1988) Etonic Spring 1996 Footwear catalogue					
	International Search Report for International Application PCT/US94/09001					
	Etonic Spring 1996 Footwear catalogue.					
	Mizuno Sport Shoe Catalog (1986).					
	Etonic Spring Sport Shoe Catalog; page 4; (1993).					
	Expert Declaration of: Jerry D. Stubblefield dated July 30, 2002.					
	AVIA 1989 Catalog excerpt.					
	AVIA Fall 1991 Footwear Catalog.					
	Declaration of Takaya Kimura (Civil Action File No. 1:00 CV 00978).					
	Mizuno 1985 Sports Shoe catalog excerpts (MIZJP 02524-02531).					
	Mizuno 1986 Sports Shoe catalog excerpts (MIZJP 02532-02537).					
	Mizuno 1987 Athletic Footwear catalog excerpts (MIZJP 02538-02546).					
	Mizuno 1988 Athletic Footwear catalog excerpts (MIZJP 02547-02549).					
	Mizuno 1991 All Line-Up catalog excerpts (MIZJP 02550-02558).					
	Mizuno 1992 Run-Bird All Line-Up catalog excerpts (MIZJP 02557-02559).					
	Mizuno 1993 All-Line-Up catalog excerpts (MIZJP 02560-02564).					
	Runner's World 1989 Spring Shoe Survey (MIZ 135893 - MIZ 135902).					
✓	4 photographs of shoes sold in the United States prior to the filing date of the above-referenced application.					
EXAMINER <u>Kavanagh</u>		DATE CONSIDERED <u>3/1/05</u>				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						



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<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>		Applicant David F. Meschan		Application Number 10/735,343		
(Use several sheets if necessary) Sheet <u>1</u> of <u>3</u>		Filing Date December 11, 2003		Group Art Unit 3728	Examiner J. Kavanaugh	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Lit. 3 JK	6,662,471	12/2003	Meschan			
	6,321,465	11/2001	Bonk et al.			
	5,979,078	11/1999	McLaughlin			
	5,685,090	11/1997	Tawney et al.			
	5,595,004	1/1997	Lyden et al.			
	5,575,088	11/1996	Allen et al.			
Lit. 3	5,560,126	10/1996	Meschan et al.			
Lit. 3	5,461,800	10/1995	Luthi et al.			
	5,363,570	11/1994	Allen et al.			
Lit. 3	5,325,611	7/1994	Dyer et al.			
Lit. 1	5,319,866	6/1994	Foley et al.			
	5,297,349	3/1994	Kilgore			
	5,279,051	1/1994	Whatley			
	5,220,737	6/1993	Edington			
Lit. 1 & 3	5,185,943	2/1993	Tong et al.			
Lit. 3	5,152,081	10/1992	Hallenbeck et al.			
	5,083,361	1/1992	Rudy			
Lit. 3	5,070,629	12/1991	Graham et al.			
	5,068,981	12/1991	Jung			
Lit. 1	5,052,130	10/1991	Barry et al.			
Lit. 1	5,014,449	5/1991	Richard et al.			
Lit. 3	4,879,821	11/1989	Graham et al.			
Lit. 1 & 3	4,878,300	11/1989	Bogaty			
	4,843,741	7/1989	Yung-Mao			
Lit. 3	4,815,221	3/1989	Diaz			
Lit. 1 & 3	4,785,557	11/1988	Kelley et al.			
Lit. 1 & 3	4,709,489	12/1987	Welter			
Lit. 1 & 3	4,638,575	1/1987	Illustrato			
	4,610,099	9/1986	Signori			
	4,592,153	6/1986	Jacinto			
Lit. 3	4,566,206	1/1986	Weber			
Lit. 1	4,561,195	12/1985	Onoda et al.			

<del>Lit. 1 &amp; 3</del>	4,492,046	1/1985	Kosova			
<del>Lit. 1 &amp; 3</del>	4,342,158	8/1982	McMahon et al.			
<del>Lit. 1</del>	4,322,895	4/1982	Hockerson			
<del>Lit. 3</del>	4,317,293	3/1982	Sigle et al.			
	4,224,750	9/1980	Delpont			
	4,198,037	4/1980	Anderson			
	3,432,158	8/1982	McMahon et al.			
<del>Lit. 1 &amp; 3</del>	3,085,359	4/1963	Rubens			
<del>Lit. 1 &amp; 3</del>	3,083,478	4/1963	Rakus			
<del>Lit. 1</del>	2,707,341	5/1955	Romano			
<del>Lit. 1 &amp; 3</del>	2,628,439	2/1953	Rochlin			
<del>Lit. 1 &amp; 3</del>	2,500,302	3/1950	Vicente			
	2,464,251	3/1949	Moody			
<del>Lit. 3</del>	2,403,442	7/1946	Klaus			
<del>Lit. 3</del>	2,348,300	5/1944	Klaus			
<del>Lit. 1</del>	1,721,714	7/1929	Ross			
<del>Lit. 3</del>	674,636	5/1901	Priestman			
<del>Lit. 1 &amp; 3</del>	485,813	11/1892	Hooper			

#### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
<del>M</del>	533 972	3/1922	France			Abstract Only
	958,766	3/1950	France			Yes
	2 507 066	12/1982	France			Abstract Only
<del>Lit. 3</del>	92 10 113.5	11/1992	Germany			Yes
	2 742 138	3/1979	Germany			Abstract Only
	2 154 951	5/1973	Germany			Abstract Only
<del>Lit. 3</del>	1 075 012	2/1960	Germany			Yes
	947 054	7/1956	Germany			Partial
	693 394	7/1940	Germany			Partial
	648 339	7/1937	Germany			Partial
	21 594	8/1903	Great Britain			N/A
<del>Lit. 3</del>	2 267 424	12/1993	Great Britain			
	331247	10/1935	Italy			Partial
<del>Lit. 1</del>	5-18965	5/1993	Japan			Partial
	1-110301	4/1989	Japan			Abstract Only
	61-149503	9/1986	Japan			Partial
	60-112902	7/1985	Japan			Partial
	59-137105	9/1984	Japan			Partial
	57-119704	7/1982	Japan			Partial
	57-12006	6/1980	Japan			Partial
	51-81145	12/1974	Japan			Partial



<i>JL</i>	33-9431	10/1958	Japan			Partial
	434 029	10/1967	Switzerland			Partial
Lit. 3	WO 95/20333	8/1995	WIPO			N/A
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
Lit. 1	<i>JL</i> AVIA "Ultra Running" concepts dated December 18, 1986.					
Lit. 1	AVIA "Heel Tension Member" technical drawings dated January 9, 1987.					
Lit. 1	AVIA ARC Shoe (photo; bottom view); sold in 1989.					
Lit. 1	AVIA ARC Shoe (photo; cross section of heel); sold in 1989.					
Lit. 1	AVIA ARC Shoe (photo; bottom view with wave plate); sold in 1989.					
Lit. 1	AVIA ARC Shoe (photo; cross section of heel with wave plate); sold in 1989.					
Lit. 1	AVIA 1989 Catalog excerpt.					
Lit. 1	AVIA Fall 1991 Footwear Catalog.					
	Declaration of Jerry D. Subblefield dated December 4, 2002.					
Lit. 1	Drawing of Mizuno shoe with plate and opening in bottom of shoe dated January 3, 1991					
	Expert Declaration of: Jerry D. Stubblefield dated October 7, 2002.					
Lit. 1	Etonic Spring Sport Shoe Catalog; page 4; (1993)					
Lit. 1	Mizuno Sport Shoe Catalog (1986).					
Lit. 1	Mizuno 1985 Sports Shoe catalog excerpts (MIZJP 02524-02531).					
Lit. 1	Mizuno 1986 Sports Shoe catalog excerpts (MIZJP 02532-02537).					
Lit. 1	Mizuno 1987 Athletic Footwear catalog excerpts (MIZJP 02538-02546).					
Lit. 1	Mizuno 1988 Athletic Footwear catalog excerpts (MIZJP 02547-02549).					
Lit. 1	Mizuno 1991 All Line-Up catalog excerpts (MIZJP 02550-02556).					
Lit. 1	Mizuno 1992 Run-Bird All Line-Up catalog excerpts (MIZJP 02557-02559).					
Lit. 1	Mizuno 1993 All-Line-Up catalog excerpts (MIZJP 02560-02564).					
	Report of Keith R. Williams with Exhibits A-G, dated September 8, 2004.					
Lit. 1	Runner's World 1989 Spring Shoe Survey and ETONIC and AVIA advertisements (MIZ 135893 – MIZ 135902).					
	TURNTEC 1993 Brochure (TURNTEC 93).					
	TURNTEC 1993 Brochure (TURNTEC 1993).					
	TURNTEC advertisement for "The Predator".					
Lit. 3	<i>JL</i> "TECHNOLOGY: Cushion of steel puts the spring in high heels"; New Scientist; Vol. 133, No. 1813; 21 March 1992; pp. 1 and 22.					
<b>EXAMINER</b>		<i>Kavanaugh</i>				
		<b>DATE CONSIDERED</b> <i>3/1/05</i>				
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